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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2453/2003

PETITIONER : Gopi S/o Shri Ramnath Chauhan, aged about 40 years, resident of Near Bar Khadan, Deowarikhurd, Thana Torwa, Tehsil & Distt. Bilaspur (C.G.).

Versus

RESPONDENTS : 1. The Coal India Limited Through : its Chairman-cum-Managing Director, S.E.C.L. office, Seepat Road, Bilaspur, Distt. Bilaspur (C.G.).

2. South Eastern Coalfields Ltd., Hasdev Area, Raj Nagar, Sub-area, Teh. Kotma, Distt. Sahdol. Through : Supdt./M.Manager, Raj Nagar, R.C. Colliery.

3. The Mining Manager, Raj Nagar Colliery, Teh. Kotma, Distt. Sahdol (M.P.)

4. The Manager, New Raj Nagar Colliery, Hasdev Area, S.E.C.L. Tahsil Kotma, Distt.Sahdol(M.P.)

5. The Chief General Manager, S.E.C.L., Bilaspur Distt. Bilaspur (C.G.).

6. The Sub Regional Manager, Raj Nagar Colliery, R.C. Sub-area Teh. Kotma, Distt. Sahdol (M.P.)

P.R. No. 29/2/03
Presented by Shri P.S. Nagel
dated 01/08/03

शपथ आयुक्त
एन.के शुक्ला
बिलासपुर (म.प्र.)
बिलासपुर तहसील कोर्ट

....Contd....

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7. The Area Medical Board
Central Hospital, Manendragarh
Distt. Korea (C.G.).
Through : Medical Supdt.
C.H.M. Manendragarh,
Distt. Korea (C.G.).

8. Uttara Bai W/o Gopi Ram, aged about 35 years, resident of Raj Nagar Collimyy, Tehsil Manendragarh, Distt. Korea (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA :

AFR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2453 of 2003

Petitioner Gopi

Versus

Respondents The Coal India Limited & others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Pushpendra Patel, counsel for the petitioner.

Shri P.S. Koshy, counsel for the respondent No. 1 to 7.

None for the respondent No. 8.

ORAL ORDER

(3rd April, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was working on the post of Loader from 1.6.1975 to 20.5.1990 in the office of New Rajnagar Colliery, Hasdeo Area, SECL, Tahsil-Kotma, District Shahdol.

2. The petitioner was declared medically unfit by the Area Medical Board on 6.4.1990. The service of the petitioner was terminated w.e.f. 21.5.1990 vide order dated 17.5.1990 (Annexure R/1). The petitioner did not challenge the said order and accepted the same.

3. The petitioner thereafter submitted his application on 2.7.1990 (Annexure P/2), seeking appointment of his wife Smt. Uttara Bai on compassionate ground. The Respondent Coalfield considered application of the petitioner dated 2.7.1990 and granted employment to Smt. Uttara Bai on the post of the General Mazdoor Category-I by order dated 25.7.1992. Smt. Uttara Bai joined the post on 7.9.1992 and has been continuing to work on the said post.

4. The petitioner has filed this petition on 1.8.2003, praying that the appointment order dated 15.9.1992 in favour of his wife Smt. Uttara

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Bai be quashed and the petitioner be reinstated in service with all back wages. The petitioner has filed this petition after a period of 11 years. The petitioner has not explained inordinate delay in filing this petition. Even on merit, the petitioner has not made out a case indicated that any right of the petitioner has been infringed by granting compassionate appointment to the wife of the petitioner on the basis of his application. The petitioner has not challenged his termination order, which was based on the ground of medical fitness.

5. This petition is misconceived and amounts to misuse of judicial process. Petition of this nature must be dealt with sternly as the petitioner, after having availed benefits of getting compassionate appointment in favour of his wife, Smt. Uttara Bai cannot be permitted to file this frivolous petition.

6. The petition is accordingly dismissed with cost. The cost is quantified at Rs. 1000/-. The same shall be payable to the High Court Legal Aid Service Committee, within a period of six weeks.

Consequently, M.(W.)P. No. 2378/2003 stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu